

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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|-----------------|---|-------------------------------|
| TYSHAWN SMITH | : | CIVIL ACTION NO. 1:CV-12-1829 |
| | : | |
| Petitioner | : | (CHIEF JUDGE KANE) |
| | : | (Magistrate Judge Carlson) |
| v. | : | |
| | : | |
| COMMONWEALTH OF | : | |
| PENNSYLVANIA | : | |
| | : | |
| Respondents | : | |

ORDER

Before the Court in the captioned action is a September 13, 2012 report of the Magistrate Judge. No timely objections have been filed.

Accordingly, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

- 1) The Court adopts the Report and Recommendation of Magistrate Judge Carlson.
- 2) The Petition for Writ of Habeas Corpus is **DISMISSED**, without prejudice, and a certificate of appealability will not issue.
- 3) The Clerk of Court shall close the file.

s/ Yvette Kane
YVETTE KANE, Chief Judge
United States District Court
Middle District of Pennsylvania

Dated: October 09, 2012